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8 UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
9 OAKLAND DIVISION  
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

CR 04-40148 DLJ

13 v.

STIPULATION AND ORDER RE:  
HEARING DATE

14 JOSE CASTELLANOS,

15 Defendant.  
16 \_\_\_\_\_/

17 At the request of the parties, the Court enters this order  
18 (a) continuing the status hearing presently set for Friday,  
19 August 3, 2007 at 9:00 to November 2, 2007; and (b) excluding  
20 time under the Speedy Trial Act from August 3, 2007, based on  
21 the following:

22 1. Defendant JOSE CASTELLANOS, who is currently free on  
23 secured bond, has filed a pending motion to quash the search  
24 warrants relevant to the indictment in the above-entitled  
25 matter, which has been deferred.

26 2. The parties have engaged in and continue to engage in  
27 substantive discussions to resolve this matter short of  
28 litigation of motions and trial.

1           3.     A status hearing before this Court is  
2 presently set for Friday, August 3, 2007, at 9:00 a.m.

3           4.     The parties met and conferred on June 7, 2007. The  
4 defense tendered a specific proposal which is presently under  
5 consideration by the government.

6           5.     As a decision has not yet been reached, additional  
7 time is requested in furtherance of the ultimate resolution of  
8 this matter, deemed a "complex case" from its inception.

9           6.     With respect to continuity of counsel, defense  
10 attorney Shari Greenberger is getting married in early September  
11 and will not be returning until mid-October.

12          7.     Accordingly, the parties hereby request that this  
13 matter be continued from Friday, August 3, 2007, until Friday,  
14 November 2, 2007, at 9:00 a.m. for a prospective change of plea.

15          8.     The parties stipulate that the time is excludable from  
16 the time limitations of the Speedy Trial Act because the  
17 interests of justice are served by granting a continuance. This  
18 continuance, requested by the parties, will permit continuity of  
19 counsel, and allow the reasonable time necessary for effective  
20 preparation, taking into account the exercise of due diligence.  
21 18 U.S.C. sections 3161(h)(8)(A) and (B)(iv).

22          9.     Further, time is excluded pursuant to 18 U.S.C.  
23 sections 3161 (h)(1)(F) predicated upon the defendant's pending  
24 Motion to Quash, which excludes delay resulting from any pre-  
25 trial motion from the filing of the motion through the conclu-  
26 sion of the hearing or other prompt disposition of such motion.

27               THEREFORE, IT IS STIPULATED by and between parties, and  
28 agreed hereto, that the further status hearing be continued from

1 August 3, 2007 at 9:00 until November 2, 2007 at 9:00, with time  
2 continuing to be excluded as specified above, such that the ends  
3 of justice served by granting such a continuance outweigh the  
4 best interests of the public and the defendant in a speedy  
5 trial.


6 Dated: July 31, 2007

7  
8 /s/ SHARI L. GREENBERGER  
9 SHARI L. GREENBERGER  
Attorney for JOSE CASTELLANOS

/s/ TIMOTHY J. LUCEY  
TIMOTHY J. LUCEY  
Assistant U.S. Attorney

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12  
13 **IT IS SO ORDERED.**

14 Dated: August 1, 2007

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16 D. LOWELL JENSEN, Judge  
United States District Court